

## REQUEST FOR COUNCIL ACTION

MEETING  
DATE: Oct. 20, 2003

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AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-4
ITEM DESCRIPTION: Zoning District Amendment #03-16 by Western Walls, Inc. to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of the South Run of the North Fork of Cascade Creek located in the Manorwood Lakes Sixth and Seventh Subdivisions.		PREPARED BY: John Harford, Senior Planner

October 15, 2003

The purpose of the proposed zoning district map amendment is to recognize channel improvements proposed and scheduled for construction by Western Walls along Cascade Creek. In the Spring of 2003 the applicant submitted to the Minnesota Department of Natural Resources for review a request for a floodplain amendment to the Flood Insurance Rate Map (FIRM) on a section of the South Run of the North Fork of Cascade Creek. In August, 2003 the application, known as a Conditional Letter of Map Revision (CLOMR), was submitted to the Federal Emergency Management Agency (FEMA). The MNDNR accepted the hydrologic analysis and notified the applicant in May, 2003. In order for the CLOMR to be acted on by FEMA the city must supply a resolution indicating its support of the changes. The MNDNR also issued a Public Waters Work Permit to the applicant to allow reconstruction of about 1000' of the channel from 7<sup>th</sup> St., NW to Western Walls Lake. The proposed amendment is to Community Panel Numbers 27109C0142 and 144 dated February 4, 1998.

Section 60.338 of the zoning ordinance requires that a zoning map amendment satisfies certain criteria. The amendment is consistent with the goals and policies of the comprehensive plan and furthers those policies. The area was not zoned erroneously. The 100 year floodplain will change due to channel improvements proposed by the applicant and it is in the public interest to recognize those improvements. The proposed channel improvements will not cause a flood stage increase during construction or after construction is completed that will affect any existing buildings.

### City Planning and Zoning Commission Recommendation:

The CP&ZC reviewed this proposal and recommended approval on September 24, 2003.

**Planning Department Recommendation:** Staff recommends approval of the amendment to the Floodway and Flood fringe districts as proposed by the applicant.

**Council Action Needed:** The Council should request that the City Attorney prepare a resolution supporting the amended Floodway – Flood Boundary maps to be supplied to FEMA. (Note: After the construction project and surveys are complete the applicant will submit a request for a LOMR from MNDNR and FEMA, after which the city can approve a final amended floodway and floodplain boundary on the zoning map.)

### Attachments:

1. Staff Report dated September 17, 2003
2. Minutes of the CPZC Hearing – September 24, 2003
3. Revised FIRM map of the area.
4. Letter from MNDNR dated May 30, 2003

**COUNCIL ACTION:** Motion by: \_\_\_\_\_ Second by: \_\_\_\_\_ to: \_\_\_\_\_

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Distribution:

1. City Clerk
2. City Attorney
3. City Administrator
4. Planning Department File
5. Applicant –Western Walls, Inc.

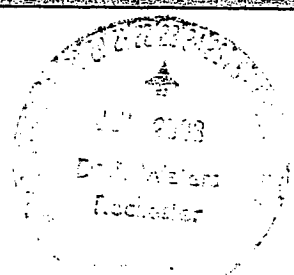
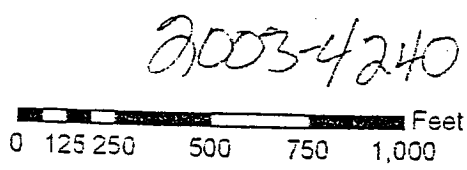
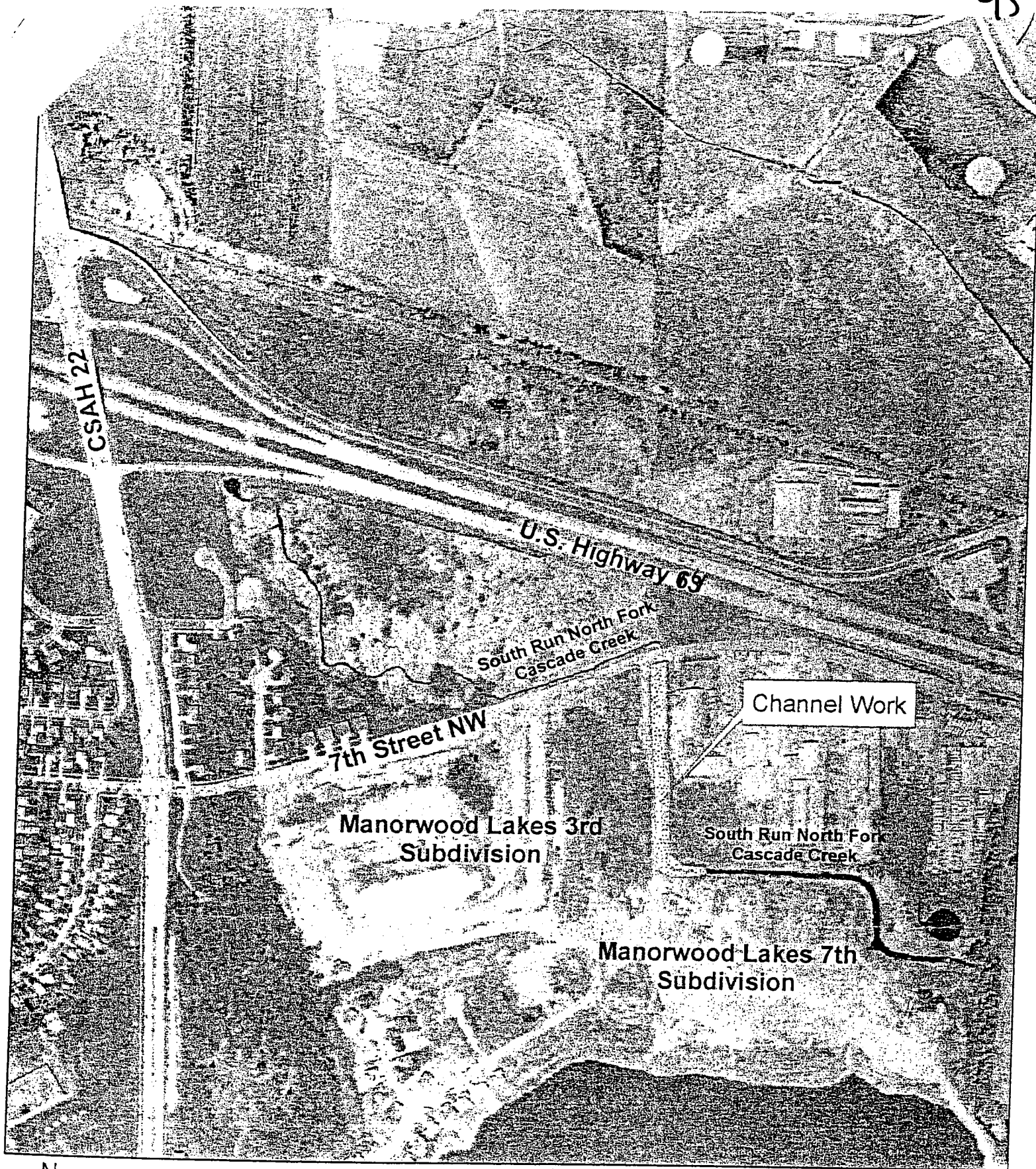
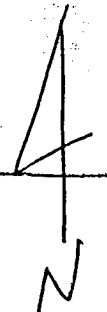


Figure 1  
Site Locator Map



# MT-2 Forr Attachmei

# PROPOSED REVISIONS



92° 30' 00"  
44° 01' 00"

100 YR. FLOODPLAIN BOUNDARY

REMOVED FROM  
100 YR. FLOODPLAIN

SOUTH RUN OF THE  
NORTH FORK OF CASCADE CREEK

JOINS PANEL 0142

City of Rochester  
275246

ZONE X  
ZONE AE  
(EL 1013)

ZONE X

ZONE AE  
ZONE X

CLIMSTED COUNTY  
CITY OF ROCHESTER

ZONE AE

WEST CIRCLE DR.

JRD

ST

NW

1008

ZONE X

ZONE X

ZONE AE

1008

1009

1010

1011

1012

33

ZONE X

City of Rochester  
275246

ZONE X

ZONE X

ZONE X

ST

LACHENCREST LN

LACHENVIEW LN

INTERLACHEN

35TH AVE

NW

36TH AVE

37TH AVE

WATER CREEK

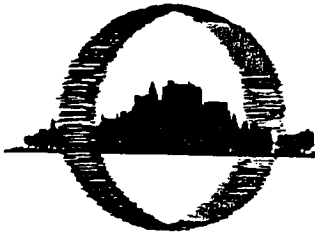
COUNTRY CLUB RD W

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ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744



COUNTY OF

*Olmsted*

www.olmstedcounty.com/planning



TO: City Planning and Zoning Commission

FROM: John Harford, Senior Planner *JH*

DATE: September 17, 2003

RE: Zoning District Amendment #03-16 by Western Walls, Inc. to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of the South Run of the North Fork of Cascade Creek located in the Manorwood Lakes Sixth and Seventh Subdivisions.

**Applicant/Owner:**

Western Walls, Inc.  
604 11<sup>th</sup> Ave., NW  
Rochester, MN 55901

**Surveyors/Engineers:**

Polaris Group  
8200 Humboldt Ave., S  
Suite 302  
Bloomington, MN 55431

**Referral Comments:**

Referral agencies responding had no comments or the project did not affect their interests.

**Report Attachments:**

Referral Comments  
Site Locator Map – Fig. 1  
1998 FIRM of area;  
Proposed Changes to FIRM;  
Letters from Polaris Group to FEMA and MNDNR;

**Development Review:**

**Proposed Use or Development:**

Western Walls, Inc. proposes to change the Floodway and Flood Fringe boundaries of the existing zoning map under the provisions





of 62.821. The proposed amendment to the 1998 FIRM reflects the changes in base flood elevations and Floodway and Flood Fringe boundaries caused by channel reconstruction in the South Run – North Fork Cascade Creek and site grading. Creek improvements will allow for the 100 Year floodplain boundaries to be reduced in size to allow for the development of Manorwood Lakes 6<sup>th</sup> and 7<sup>th</sup> subdivisions as proposed.

**Size and Location:**

The 100 year floodplain area under consideration for this Conditional Letter of Map Revision (CLOMR) starts at 7<sup>th</sup> Street, NW and extends downstream and to the south to the banks of the confluence of Cascade Creek and Western Walls Lake and along the shoreline to the west to the edge of the approved and developed subdivisions.

**Existing Land Use:**

The proposal covers undeveloped land that was a part of a sand and gravel mining operation.

**Land Use Plan:**

The bulk of the land is identified as Residential on the Land Use Plan map, with some areas north of the creek as Commercial.

**Zoning:**

There are R-1, and B-4 zoning districts located within this floodplain under review.

**General Development Plan:**

A GDP covers the Western Walls property.

**Wetlands/Floodplains:**

There is a wetland located within the Protected Waters. The MN DNR has issued a permit to Western Walls to allow for the reconstruction of the channel. That permit addresses wetlands within the Protected Waters limits.

**Staff Analysis and Recommendation:**

Amendments to the Floodplain boundaries of the Flood Insurance Rate Map (FIRM) must be reviewed by the Minnesota Department of Natural Resources and then the Federal

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Emergency Management Agency. The applicant has submitted this CLOMR to the MNDNR and they have accepted the hydrologic analysis. (See MNDNR letter dated May 30, 2003.) The CLOMR was submitted in August, 2003 to FEMA for review.

The City of Rochester can take action to accept the proposed changes to the FIRM but cannot take final action on the zoning map amendment until FEMA approves the LOMR. This will occur after construction is completed and as-built survey information is generated and submitted for review by FEMA. The Council will pass a resolution accepting the proposed changes that may be submitted to FEMA, with final action on an ordinance after the LOMR is approved by FEMA.

The August 22, 2003 letter from Polaris Group to the Federal Emergency Management Agency explains the impacts and results of the channel reconstruction. Briefly, there will continue to be a low flow channel above which will be a bench and a widened channel that will permit conveyance of the 100 year flood flows. The banks of the creek will be flattened and portions of the property will be elevated to be outside of the 100 year floodplain.

Federal rules require that where a base flood elevation is increasing by 0.5' or more the property owners are notified. Where the base flood elevation is increasing by 1.0' or more the affected property owners must concur with the project applicant. The information supplied indicates that there are no locations where the base flood elevation will increase by 0.5 feet.

The staff recommends that the CPZC approve the proposed amendment to the floodway and fringe areas as shown on the enclosed plans based on the submittal meeting the FEMA Technical Conditions and Criteria according to the MNDNR. The staff will recommend to the City Council that they accept the proposal, adopt a resolution that it is in keeping with the comprehensive plan and intent of the zoning ordinance, and transmit the resolution to FEMA and the MNDNR.



- entire frontages of the perimeter roadways, with the exception of any approved public streets access locations. No direct private driveway access will be permitted to any of the perimeter roadways. Additional Controlled Access will be required within 200 feet of 'A' & 'E' street intersections with any of the perimeter roadways, within 150 feet of 'B' street intersections of any perimeter roadway, and within 75 35 feet from the intersections of any other public roadway with a perimeter roadway.
7. The southerly access to 60<sup>th</sup> Ave NW should be shifted to line up directly across from the access in the Kingsbury Hills development as was shown on the previous Special District / GDP Plan for Pebble Creek.
  8. Any realignment on this Property of Valleyhigh Rd NW and the intersection with 60<sup>th</sup> Ave NW shall be consistent with the "60<sup>th</sup> Ave NW Corridor Management Plan", and may impact the proposed southerly access to 60<sup>th</sup> Ave NW. In the event the approved Corridor Plan shows the realigned intersection of Valleyhigh Rd NW & 60<sup>th</sup> Ave NW to be south of this Property, the southerly access to 60<sup>th</sup> Ave NW shown on the revised Special District GDP plan shall be eliminated.

PUBLIC HEARINGS:

Zoning District Amendment #03-16 by Western Walls, Inc. to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of the South Run of the North Fork of Cascade Creek located in the Manorwood Lakes Sixth and Seventh Subdivisions.

Mr. Brent Svenby presented the staff report, dated September 17, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Zoning District Amendment #03-16 by Western Walls, Inc. as presented by staff. Mr. Haeussinger seconded the motion. The motion carried 7-0.

Zoning District Amendment #03-17 by Mark Leitzen to amend the zoning from R-1 (Mixed Single Family) to the B-1 (Restricted Commercial) district on approximately 10.53 acres of land. The property is located east of HyVee, north of West River Parkway, south of 37<sup>th</sup> Street NW and west of the Zumbro River.

AND

General Development Plan #215 to be known as Leitzen West River Parkway by Mark Leitzen. The applicant is proposing to develop the property with commercial uses permitted in the B-1 zoning district. The property is located east of HyVee, north of West River Parkway, south of 37<sup>th</sup> Street NW and west of the Zumbro River.

Mr. Brent Svenby presented the staff report, dated September 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby explained that the submitted general development plan has notes on the right hand side regarding restricted covenants that would be recorded after the general development plan were approved. He stated that this should be deleted from the general development.



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48<sup>th</sup> Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

September 4, 2003

Jennifer Garness  
Rochester-Olmsted Planning Department  
2122 Campus Drive SE-Suite 100  
Rochester, MN 55904

**RE: Zoning District Amendment #03-16 by Western Walls, Inc. to amend the Floodway and Flood Fringe boundaries and related 100 Year Flood Protection Elevations for a portion of the South Run of the North Fork of Cascade Creek located in the Manorwood Lakes Sixth and Seventh Subdivisions.  
US 14 CS 5501**

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposal. This amendment to the zoning district does not appear to have any impact to Mn/DOT Right of Way.

Thank you for keeping Mn/DOT informed. You may contact Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777 for any questions you may have.

Sincerely,

Dale E. Maul  
Planning Director



## Minnesota Department of Natural Resources

500 Lafayette Road

St. Paul, Minnesota 55155-40

DNR Waters, 500 Lafayette Road, St. Paul, MN 55155-4032

Telephone: (651) 296-4800 Fax: (651) 296-0445

May 30, 2003

Michael Depue, Program Manager, Region 5  
FEMA Map Coordination Contractor  
PBS&J  
12101 Indian Creek Court  
Beltsville, MD 20705

RE: CLOMR REQUEST  
City of Rochester  
Olmsted County, Minnesota

Dear Mr. DePue:

The Department of Natural Resources (DNR) is in receipt of a submittal for approval to revise the floodplain and floodway of the South Run of the North Fork of Cascade Creek.

The DNR finds that the May 10, 2003 submittal by Polaris Group meets the state floodplain criteria. The hydraulic analysis included development of a Corrected Effective model by adding additional surveyed cross-sections to the Duplicate Effective model. There are differences in the Base Flood Elevations between these two models, but all are within the state floodway criteria of 0.5 feet between the increases by 0.05 feet at one cross-section; however, there are no structures that are in the floodplain at this cross-section and

Sincerely,

*Ogbazghi Sium*  
Ogbazghi Sium,  
Supervisor, Floodplain Management Program

c: Ron Livingston, Olmsted County  
Thomas Johnson, Polaris Group  
Bob Bezek, DNR Area Hydrologist





# P O L A R I S ★ G R O U P

8200 HUMBOLDT AVENUE SOUTH . SUITE 302 . BLOOMINGTON, MN 55431 . 952.881.0878 . FAX: 952.881.0023

August 22, 2003

Mr. Abdul Ahmed  
PBS&J  
12101 Indian Creek Court  
Beltsville, MD 20705

RE: Conditional Letter of Map Revision (CLOMR) Case 03-05-3986R  
Proposed Fill and Channelization  
Manor Wood Lakes 3<sup>rd</sup> and 7<sup>th</sup> Developments, Rochester, MN

Dear Mr Ahmed:

This letter provides additional information as requested by the July 16<sup>th</sup> 2003 letter from FEMA. As requested, we are providing an updated Form 1 signed by the requestor and the community official. This form was signed by Mr. Ron Livingston as an official of both the City of Rochester and Olmsted County. Mr. Livingston works for the City of Rochester/Olmsted County Consolidated Planning Department and has the authority to sign for both communities. The enclosed information thus address both of the issues raised in the July 16<sup>th</sup> letter.

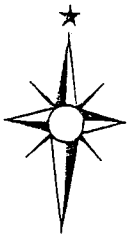
If you have any questions give me a call at (952) 881-0878 or e-mail me at [akalmes@polarisgroupinc.com](mailto:akalmes@polarisgroupinc.com).

Sincerely,

Art Kalmes

C: Bob Bezek, MnDNR  
Suzanne Jiwani, MnDNR  
Ron Livingston, Rochester/Olmsted Consolidated Planning Dept  
Dan Zemke, McGhie & Betts, Inc.  
Charles Dewitz, Western Walls

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# POLARIS GROUP

8200 HUMBOLDT AVENUE SOUTH . SUITE 302 . BLOOMINGTON, MN 55431 . 952.881.0878 . FAX: 952.881.0023

May 10, 2003

Mr. Bob Bezek  
Minnesota Department of Natural Resources  
Division of Waters  
2300 Silver Creek Road, N.E.  
Rochester, MN 55906

RE: Conditional Letter of Map Revision (CLOMR),  
Manorwood Lakes 3<sup>rd</sup> and 7<sup>th</sup> Subdivisions  
South Run North Fork Cascade Creek, Rochester, MN

Dear Mr. Bezek:

Polaris Group, Inc. and McGhie & Betts Inc. are preparing to submit an application for Conditional Letter of Map Revision (CLOMR) to FEMA. This CLOMR is meant to revise the floodway and floodplain of the South Run of the North Fork Cascade Creek, south of 7<sup>th</sup> Street NW near the Manorwood Lakes 3<sup>rd</sup> and 7<sup>th</sup> subdivisions. The project would consist of channelizing to increase the flood conveyance of the channel, grading and removing portions of a haul road to create a maintenance access road, and elevating lots by filling to remove the lots from the floodplain. It is our objective to have the no portion of any residential lot within the regulatory floodway.

Currently this reach of the South Run North Fork Cascade Creek is a drainage ditch with steep banks and a low flow channel at the bottom of the ditch. The channelization will consist of widening the channel above the low flow channel by creating a "bench" which would convey flood flows. The low flow channel is to remain intact and will be allowed to meander at the bottom of the channel. Additionally, the banks of the creek are to be flattened and stabilized.

Attached are the following items:

- Map showing proposed floodway and floodplain modifications (topographic work map)
- Annotated FIRM maps showing proposed floodway and floodplain modification
- Summary of hydraulic models
- Table showing flood elevation changes
- CD containing input and output of the hydraulic model

It is our understanding that we will need the approval of the MnDNR for the floodway change before FEMA will approve the CLOMR. The City of Rochester has also indicated that they would require your concurrence with the proposed mapping changes prior to signing the CLOMR certification form. Since the floodway change is dependant on the channelization, we feel the MnDNR needs to provide some assurance that the State will approve this CLOMR before we submit it to FEMA.

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Mr. Bob Bezek.  
Page 2  
May 10, 2003

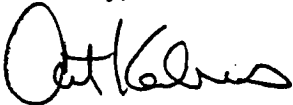
In the next couple of weeks, we anticipate completing FEMA's CLOMR application forms and will provide the MnDNR and City of Rochester with a copy of the application. The CLOMR application will provide the following additional information:

- Development plans for Manorwood Lakes 3<sup>rd</sup> and 7<sup>th</sup>.
- Proof of Notification of affected property owners
- Certified survey data
- other federal regulatory requirements

Additionally, in the next couple of weeks, we will also be submitting a Protected Waters Permit application for the proposed channel grading.

If you have any questions give me a call at (952) 881-0619 or e-mail me at [akalmes@polarisgroup.com](mailto:akalmes@polarisgroup.com)

Sincerely,



Art Kalmes

c w/encl: Suzanne Jiwani, MnDNR

Ron Livingston, Olmsted County Consolidated Planning Dept.  
Dan Zemke, McGhie & Betts, Inc.